

**STAFF REPORT
C48**

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10/19/17
PRC 5042.1
J. Toy

**AMENDMENT OF LEASE AND
REVISION OF RENT**

LESSEE:

Bernard E. Scoville

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2395 Garden Highway, near Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth uncovered floating boat dock, wood dolphin, 11 wood pilings, gangway, and bank protection.

LEASE TERM:

10 years, beginning October 19, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$577 per year to \$273 per year, effective October 19, 2017.

PROPOSED AMENDMENT:

Amend the lease to remove 10 of the 11 wood pilings as an authorized improvement and replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. C48 (CONT'D)

Public Trust and the State's Best Interests Analysis:

On June 21, 2013, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to Bernard E. Scoville, for an existing single-berth uncovered floating boat dock, wood dolphin, 11 wood pilings, gangway, and bank protection ([Item C13, June 21, 2013](#)). That lease will expire on October 18, 2022.

In July 2017, the Lessee notified staff that the 10 unused pilings had been pulled out and removed from the lease premises. Staff has conducted a site inspection and verified that the pilings have been removed. It is unknown what the pilings were originally used for.

The existing lease requires the payment of annual rent to compensate the people of the State for the use of sovereign land. Staff conducted the rent review called for in the lease and recommends the rent be revised from \$577 per year to \$273 per year based on changes to the impact area for the boat dock, removal of the area where the 10 pilings formerly existed, and application of the current Sacramento River Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease area.

The lease does not alienate the State's fee simple interest or permanently impair public rights. The recommended action will not substantially interfere with the Public Trust needs at this location, at this time, or for the foreseeable term of the lease. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and approving the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

STAFF REPORT NO. **C48** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed amendment of Lease No. PRC 5042.1 will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the amendment of Lease No. PRC 5042.1, a General Lease – Recreational and Protective Structure Use, effective October 19, 2017, to remove 10 of the 11 wood pilings as an authorized improvement and to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 5042.1 from \$577 per year to \$273 per year, effective October 19, 2017.

EXHIBIT A

PRC 5042.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 828, patented April 5, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing single berth dock, gangway, one piling and 2-piling dolphin lying adjacent to that parcel as described in Grant Deed, recorded October 19, 2012 in Book 20121019 at Page 857 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH all those lands lying immediately beneath any existing bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 09/18/17 by the California State Lands Commission Boundary Unit



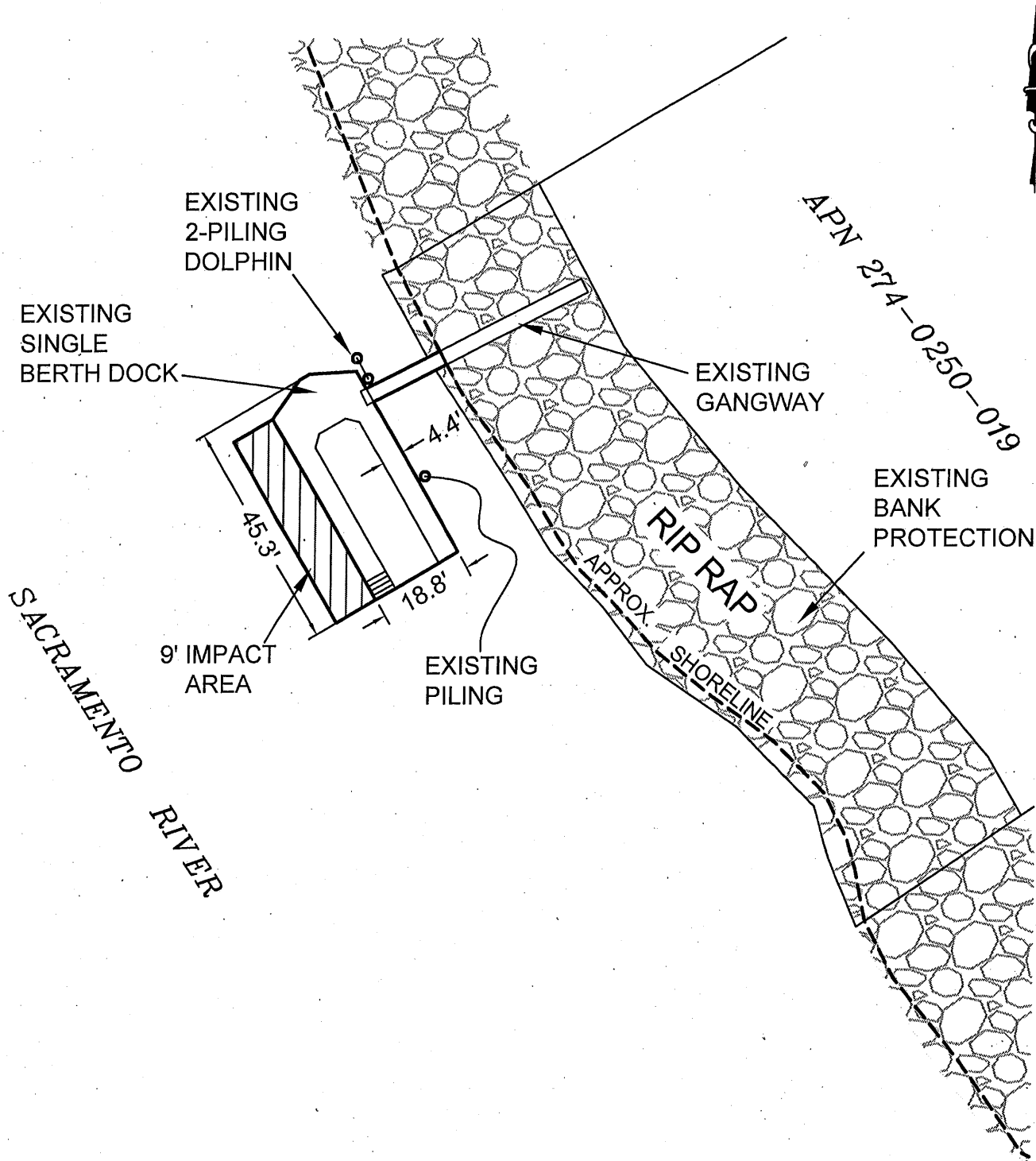


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 5042.1, SCOVILLE
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



SITE



LOCATION



Exhibit B

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